

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION

SAMMY CASEY,	)	
	)	
Movant,	)	
	)	
v.	)	No. 1:05-CV-125 CAS
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**MEMORANDUM AND ORDER**


This matter is before the Court upon the motion of Sammy Casey to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. Because movant's sentencing is pending so that no final criminal judgment has been entered, see United States v. Casey, No. 1:05CR63 CAS (E.D. Mo.), his § 2255 motion is premature and is subject to summary dismissal. Therefore, the Court will dismiss the motion.

Accordingly,

**IT IS HEREBY ORDERED** that the instant motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 [Doc. #1] is **DENIED**, without prejudice.

An appropriate order of dismissal will accompany this memorandum and order.

Dated this 9<sup>th</sup> day of August, 2005.

  
UNITED STATES DISTRICT JUDGE